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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRINH, TAN H

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/755,939

Applicant(s)

BHATIA ET AL.

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1-2, 5-10 and 18 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Mills (U.S. Patent No. 5,915,225).

Regarding to claim 1, Mill teaches a telecommunications system in communication with a Business-to-Business (B2B) engine (see fig. 2 the PLMN 50 is a B2B engine), the mobile telecommunications device comprising: a SIM card; an application unit in communication with SIM card, the application unit gathering real-time information related to the mobile telecommunications device; and the application unit is forwarding the real-time information to the B2B engine (see col. 2 lines 6-29).

Regarding to claims 2 and 18, Mill teaches the mobile telecommunications device is initiating upon occurrence of an event, communication with the SIM card (see col. 3 lines 16-49).

Regarding to claim 5, Mill teaches the forwarding the extracted data fetching the real-time information from the application unit (see col. 6, lines 7-16).

Regarding to claim 6, Mill teaches the SIM card further comprises triggering for triggering the application unit to construct a message containing the gathered real-time information (see fig. 3, col. 6 lines 16-27).

Regarding to claim 7, Mill teaches the application unit gathers the real-time information from the SIM card (see fig. 3, col. 6 lines 16-20).

Regarding to claim 8, Mill teaches the mobile telecommunications device is selected from the group consisting of: a mobile station, a personal data assistant (PDA) device, and a wireless computing device (see fig. 2, and col. 1, lines 12-30).

Regarding to claim 9, Mill teaches the application unit resides on the SIM card (see fig. 5, app unit 150, and col. 2 lines 15-19).

Regarding to claim 10, Mill teaches the forwarding is in communication with the SIM card, the SIM card receiving the gathered information from the application unit and supplying the real-time information to the forwarding (see col. 6 lines 16-20).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

4. Claims 3-4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills (U.S. Patent No. 5,915,225) in view of Ekstrom (U.S. Patent No. 6,052,597).

Regarding to claims 3 and 19, Mill fails to show the update information of the mobile telecommunications device.

However, Ekstrom shows the event update information of the mobile telecommunications device: a power on/off update, a location area change update, and a periodic update (see col. 3 lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the Mills system and providing the teaching of Ekstrom with the system update on position changes thereto in order to provide the handler with setup call connect easier.

Regarding to claim 4, the mobile telecommunications device wherein the SIM card is a proactive SIM card. This is obvious with any SIM card and the SIM card can store data information and can retrieve the data, so that can be the proactive SIM card.

#### ***Claim Rejections - 35 USC § 102***

5. Claims 11-15, 20, 22-23 and 25 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention Gustafsson (WO 98/19479).

Regarding to claim 11. Gustafsson teaches a method for sending real-time information to a Business-to-Business (B2B) engine (see fig. 1), the real-time information being related to a mobile telecommunications device within a telecommunications system, the method comprising the steps of- gathering, by the mobile telecommunications device and forwarding, after the step of gathering on real-time information to B2B engine (see figs. 1 and 4, page 4 lines 18-27).

Regarding to claim 12, Gustafsson teaches the constructing from a plurality of the real-time information gathered during the gathering step, and forwarded a message to the B2B engine in the forwarding step (see page 6, lines 10-19).

Regarding to claim 13, Gustafsson teaches wherein the message is a short message service (SMS) message (see page 7 lines 4-8).

Regarding to claim 14, Gustafsson teaches the step of: receiving a triggering event that initiates the gathering of the real-time information (see fig. 5, page 12 lines 6-16).

Regarding to claim 15, Gustafsson teaches the step of forwarding is providing, by the B2B engine in response to the forwarded real-time information, a service to the mobile telecommunications device (see figs. 1 and 5, page 13 lines 1-14).

Regarding to claims 20 and 25, Gustafsson teaches wherein the real-time information indicates the location of the wireless communications device within the mobile telecommunications network (see page 15 lines 2-9).

Regarding to claim 22, Gustafsson teaches a system for facilitating information interexchange between a telecommunications network and an information service provider, the system comprising: the mobile telecommunications device is transmitting a real-time information to Business-to-Business (B2B) engine, the B2B engine receiving the real-time information; and the B2B engine providing the real-time information to the information service provider, in response to the receipt of the real-time information, providing a service to the mobile telecommunications device (see fig. 1 and Abstract lines 1-8).

Regarding to claim 23. Gustafsson teaches the real-time information is transmitted by the mobile telecommunications device and upon occurrence of an event (see fig. 4, page 12 lines 6-16).

*Claim Rejections - 35 USC § 103*

6. Claims 16-17, 21 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafsson (WO 98/19479) in view of Mills (U.S. Patent No. 5,915,225).

Regarding to claim 16, Gustafsson teaches the step of gathering the real-time information. But Gustafsson fails to show the real-time information performed by an application unit within the telecommunications device.

However, Mills shows the real-time information performed by an application unit within the telecommunications device (see fig.3 with app unit 150).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify the Gustafsson system and the providing of the teaching on application unit in cell phone thereto in order to easily access to the SIM card for store and retrieves data.

Regarding to claim 17, Mills teaches the step of forwarding the real-time information is performed by a transmitting unit, the transmitting unit being in communication with a SIM card, and the SIM card being in communication with the application unit (see fig. 3, and col. 6 lines 12-20).

Regarding to claims 21 and 26, Mill teaches the mobile telecommunications device is selected from the group consisting of: a mobile station, a personal data assistant (PDA) device, and a wireless computing device (see fig. 2, and col. 1, lines 12-30).

Regarding to claim 27. Mill teaches the mobile telecommunications device further includes a memory card (see fig. 3 and 5 with item 90).

Regarding to claim 28, Mill teaches the mobile telecommunications device further comprises an application unit, the application unit gathering the real-time information and constructing the real-time information gathered into a message that is transmitted to the B2B engine (see fig. 3, and abstract lines 5-8).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafsson (WO 98/19479) in view of Ekstrom (U.S. Patent No. 6,052,597).

Regarding to claim 24, Gustafsson fails to show the update information of the mobile telecommunications device.

However, Ekstrom shows the event update information of the mobile telecommunications device: a power on/off update, a location area change update, and a periodic update (see col. 3 lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the Gustafsson system and providing the teaching of Ekstrom with the system update on position changes thereto in order to provide the handler with easier call setup.



*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joyce (U.S. Pub. No. 20030026404) discloses convergent communications system and method with a rule set for authorizing, debiting, setting and recharging a mobile commerce account.

Aarnio (U.S. Patent No. 6,522,889) discloses method and apparatus for proving precise location information through a communications network.

Brohoff (U.S. Patent No. 6,108,533) discloses geographical database for radio system.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Acting supervisor, Thanh Cong Le, can be reached at (703) 305-4819.

Art Unit: 2684

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh  
Art Unit 2684  
April 1st, 2003

  
**THANH CONG LE**  
**PRIMARY EXAMINER** 4/14/03  
